



THE CITY OF NEW YORK
LAW DEPARTMENT

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February 13, 2020

VIA ECF

Honorable Stewart D. Aaron
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Robert J. Ortiz v. Detective Raymond Low, et al.,
19 Civ. 3522 (LUL) (SDA)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney for interested party New York City Corporation Counsel to the above-referenced case. I respectfully write in response to Your Honor's January 29, 2020 Order that "the City shall write to the Court a letter as to the status of the NYPD administrative trial and request a continuation of the stay, if appropriate." Docket No. 55.¹ The undersigned communicated with a representative of the CCRB Administrative Prosecution Unit who confirmed that the NYPD administrative trial concerning this matter remains pending. The undersigned will continue to comply with any Court Order to provide updates as to the status of the NYPD administrative trial. Accordingly, the undersigned respectfully requests that all answers or responses of all individual defendants be held in abeyance until after any future date set by the Court for the undersigned to write another letter as to the status of the NYPD administrative trial and request a continuation of the stay, if appropriate.

Additionally, I write to advise Your Honor that the plaintiff has again made a filing, dated February 7, 2020, (Docket No. 56) attaching materials that the Court previously found to be confidential and ordered sealed. *See* Docket Nos. 38 and 55. Accordingly, the

¹ Your Honor's Order directed the undersigned to file this letter on the actual date of February 17, 2020. *See* Docket No. 55. Monday, February 17, 2020 is Presidents' Day/Washington's Birthday. In an oversight, the undersigned failed to review the precise deadline for this letter and made plans to travel out of state to visit family this weekend. I respectfully request that the Court accept this letter today.

undersigned respectfully requests that pages 8 and 9 of Document No. 56 on the docket be filed under seal for the reasons previously set forth in the Court's prior Orders granting the City's Motion to Seal these documents. The undersigned believes that it is unclear whether the *pro se* plaintiff actually re-filed these documents, or if—through some administrative glitch—they were unknowingly caused to be filed on his behalf. However, the undersigned respectfully requests that Your Honor again admonish the plaintiff to refrain from continuing to file confidential materials publicly on the docket. *See* Docket No. 49.

For the reasons set forth herein, the undersigned respectfully requests that: (1) the Court continue the stay of the instant action and all presently scheduled appearances and deadlines—including any deadlines for individual defendants to answer or otherwise respond—be suspended until after any future date set by the Court for the undersigned to write another letter as to the status of the NYPD administrative trial; and (2) pages 8 and 9 of Document No. 56 on the docket be filed under seal.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/ Nelson R. Leese

Nelson R. Leese
Senior Counsel
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cc: VIA FIRST CLASS MAIL
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The City's requests are GRANTED IN PART. This matter will remain stayed until Tuesday, March 31, 2020, on which date the City shall file a letter advising the Court as to the status of the NYPD administrative trial. The Court confirms that all defendants' time to answer or otherwise respond to the Complaint have been extended sine die. Moreover, Plaintiff's February 7, 2020 filing at ECF No. 56 has been temporarily restricted and can be viewed only by case participants. The City's request to seal pages 8 and 9 of ECF No. 56 is GRANTED, and the Court will cause those pages to be filed under seal.

In addition, the Court again advises *pro se* Plaintiff that he is not to file the January 29, 2019 CCRB letter on the public docket, because it is confidential. In any event, the Court is in receipt of the document filed on February 7, 2020 and acknowledges its contents.

The Clerk of the Court shall mail this Order to the *pro se* Plaintiff. SO ORDERED.
Dated: February 13, 2020

